

Ordinance 06-40

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTFIELD AMENDING THE APPLICABLE FEES FOR INFRASTRUCTURE

WHEREAS, the Town of Westfield, Indiana (the "Town") is governed by the Town Council (the "Council"); and,

WHEREAS, the Town's Department of Public Works (the "Department") provides certain services related to public infrastructure; and,

WHEREAS, the Town incurs costs for providing such services; and,

WHEREAS, the Council adopted Ordinance 03-23, which established fees related to public infrastructure improvements and the services provided by the Town in connection therewith; and,

WHEREAS, Exhibit "A", and Table A1 thereto, of Ordinance 03-23 set forth the fees; and,

WHEREAS, Exhibit "A", and Table A1 were amended by Ordinance 05-25; and,

WHEREAS, the Town has examined the fees in Ordinance 03-23 as amended by Ordinance 05-25; and,

WHEREAS, as a result of the Town's examination, the Town has determined that the Town's inspection fees and plan review fees should be adjusted; and

WHEREAS, it has been the policy of the Town to require developers to post a performance bond before beginning construction of public works infrastructure and a three (3) year maintenance bond upon completion of the construction; and,

WHEREAS, developers have approached the Town requesting the ability to provide a Letter of Credit in favor of the Town in lieu of posting performance and maintenance bonds; and,

WHEREAS, the Town desires to accommodate developers, but acknowledges that accepting Letters of Credit in lieu of performance and maintenance bonds may place an additional risk and administrative burden upon the Town; and,

WHEREAS, the additional burden associated with the acceptance of Letters of Credit warrants a fee to be imposed by the Town, while still being of economic benefit to the developers; and,

WHEREAS, the Town has consulted with its financial advisor and finds that the fees contemplated hereby are reasonable, non-discriminatory and just; and,

WHEREAS, the Council desires to amend Ordinance 03-23 as amended by Ordinance 05-25 consistent with the determinations of its examination;

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Westfield, meeting in regular session, that:

Section 1. Exhibit "A" of Ordinance 03-23 as amended by Ordinance 05-25 is hereby amended by the addition of the language that is underlined and the deletion of the language that is stricken through, as follows:

IV. Construction Rezone, PUD, and Development Plan Review Fees.

A full set of Rezone, PUD and/or construction Development Plans must be sent submitted to the Public Works Department for review for all projects that include public improvements. Development Plan reviews include, but are not limited to, Primary Plan (Plat), Secondary Plan (Plat), and Construction Plan Reviews. Each submittal will be assessed a separate fee.

Rezone, PUD, and/or Development Plans reviewed by the Westfield Public Works Department, shall require a fee, as follows:

<u>Number of Sheets</u>	<u>Rezone</u>	<u>PUD</u>	<u>Development Plan (each)</u>
<u>1 to 20</u>	<u>\$250.00</u>	<u>\$1,325.00</u>	<u>1250.00, \$1325.00</u>
<u>21 to 40</u>	<u>\$300.00</u>	<u>\$1,590.00</u>	<u>\$1500.00, \$1590.00</u>
<u>41 to 60</u>	<u>\$350.00</u>	<u>\$1,855.00</u>	<u>\$1750.00, \$1855.00</u>
<u>61 to 80</u>	<u>\$400.00</u>	<u>\$2,120.00</u>	<u>\$2,000.00, \$2,120.00</u>
<u>Each additional 20 sheets</u>	<u>\$450.00</u>	<u>\$265.00</u>	<u>\$250, \$265</u>

<u>Number of Sheets</u>	<u>Review Fee</u>
<u>1 to 20</u>	<u>\$1,325</u>
<u>21 to 40</u>	<u>\$1,590</u>
<u>41 to 60</u>	<u>\$1,855</u>
<u>61 to 80</u>	<u>\$2,120</u>
<u>Each additional 20 sheets</u>	<u>\$265</u>

An additional fee of \$265 \$300 will shall be imposed if ~~the~~ for each erosion and sedimentation control plan submitted with Primary, Secondary and Construction Plans ~~that are submitted for separate review.~~

Fire service plans submitted for review shall be assessed a ~~\$250.00~~ \$265 review fee.

V. Letter of Credit Fee

A developer may file a Letter of Credit in a form approved by the Westfield Public Works Department in lieu of posting performance bonds or maintenance bonds for a fee of the greater of \$250 or 25% of the cost of the improvements. The cost of the improvements shall be determined by detailed cost estimates provided by the developer and verified by the Westfield Public Works Department. The determination of the cost of the improvements by the Westfield Public Works Department is final. All provisions of the Municipal Code of the Town of Westfield, Indiana relating to the release of performance bonds and maintenance bonds shall likewise apply to the release of any Letters of Credit posted in lieu thereof.

Section 2. All portions of Ordinance 03-23 and Ordinance 05-25 not expressly amended by this Ordinance shall remain in full force and effect.

Section 3. The actions of the Town and Department staff working under the provisions of this Ordinance are to be deemed in conformity with Town policy.

Section 4. Any current Town or Department policy in effect contrary to the provisions of this Ordinance shall be deemed void. Any portion of this Ordinance that may be later deemed invalid shall not affect the remaining provisions.

Section 5. This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage and any publication and applicable waiting period, as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered repealed as of the effective date of this Ordinance.

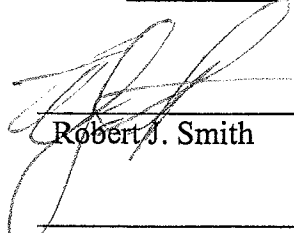
ALL OF WHICH IS ORDAINED this 9 day of Oct, 2006.

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain



Robert J. Smith

Robert J. Smith

Robert J. Smith

John B. Hart


John B. Hart

John B. Hart

David Mikesell

David Mikesell


David Mikesell



Teresa Otis Skelton

Teresa Otis Skelton

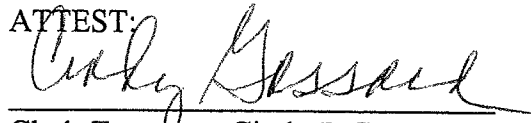
Teresa Otis Skelton



Ron Thomas

Ron Thomas

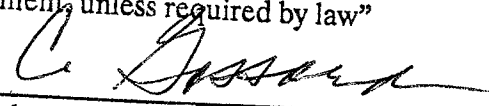
Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Sue A. Beesley
Bingham McHale LLP

"I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"



Signed

1084434

9/5/2006

Ordinance 06-40
Letter of Credit
Plan Review Fees